

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-23107 - APPLICANT: DRAKE REAL ESTATE SERVICES
- OWNER: CAP II-FARM/DURANGO, LLC**

**** CONDITIONS ****

The Planning Commission (4-2/ds, sd vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-23108), Variance (VAR-23109), and Special Use Permit (SUP-23111) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 09/11/07, and building elevations date stamped 09/12/07 as amended by conditions herein.
4. A Waiver from Title 19.12 – Landscape Standards is hereby approved to allow a zero foot landscape buffer for 64 feet along the east property line where eight feet is required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. If not already constructed by the Master Developer, construct all incomplete half-street improvements on El Capitan Way and Durango Drive adjacent to this site concurrent with development of this site. Also, construct appropriate on-site paving to provide for two way vehicular traffic through this site concurrent with development of this site.
14. If not already constructed by the Master Developer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
15. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved

Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

17. The submitted Drainage Plan and Technical Drainage Study must be approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
18. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-3191, the Durango Square (Commercial Subdivision) TMP-3272 and all other subsequent site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Site Development Plan Review for a proposed 14,028 square foot General Retail store and a Waiver of perimeter landscape standards to allow a zero foot landscape buffer where eight feet is required along 64 feet of the east property line. The project will develop on 1.72 acres of a 3.21 acre site on the east side of El Capitan Way, approximately 260 feet north of Durango Drive.

On August 23, 2007, the Planning Commission considered this site development request along with companion items [Variance (VAR-23109) for Residential Adjacency, Variance (VAR-23108) for parking, and Special Use Permit (SUP-23111) for a Retail Establishment with Accessory Package Liquor Off-sale]. The Planning Commission was concerned with the residential adjacency setback from existing single family residential lots along the north. The Planning Commission voted to abey the Site Development request along with companion requests to allow the applicant the opportunity to redesign and address the 3:1 Proximity Slope and Building Setback requirements of Title 19.08 - Residential Adjacency Standards (RAS).

Although the redesigned site plan adequately addresses Title 19.04 and Title 19.10 parking requirements the new proposal places the structure 50 feet from the residential property line where an 87 foot RAS setback is required. The project as designed is considered too intense for this site. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved the rezoning of the Town Center plan area (Z-0076-98) including this parcel. The Planning Commission recommended approval.
11/07/01	The City Council approved the current version Town Center Development Standards (TCDS) Manual through Bill No. 2001-100. The TCDS details the uses permitted within Town Center and the development standards that will accomplish the vision of Town Center.
10/23/03	The Planning Commission abeyed, SDR #3191, the original site plan to its 12/04/03 meeting in order to include the full commercial development site in the application. This request was noticed to include the full site in the application.
01/07/04	The City Council approved Site Development Plan Review (SDR-3191) and a Waiver of Town Center Build-to-Line standards for a 29,120 square feet of retail space on five pad sites. Planning Commission and Staff recommended denial on 12/04/03.

01/22/04	The Planning Commission approved a Tentative Map (TMP-3272) for a two-lot commercial subdivision on 4.91 acres. Staff recommended approval.
12/03/04	Planning Staff administratively approved a Minor Amendment to an approved Site Development Plan Review (SDR-3191) to allow minor changes of building footprints and to allow 29,315 square feet of retail space on four pad sites.
01/13/05	The Planning Commission denied a Special Use Permit (SUP-5684) and a Site Development Plan Review (SDR-5681) for a proposed Restaurant with Drive-through. Staff had recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice Special Use Permit (SUP-5740) for a proposed Liquor Establishment (Tavern). Staff had recommended denial.
03/21/05	Planning Staff administratively approved a minor amendment to an approved Site Development Plan Review (SDR-3191) to allow minor changes of building footprints and to allow 28,315 square feet of retail space on three pad sites.
10/11/07	<p>The Planning Commission recommended denial of companion items VAR-23108, VAR-23109 and SUP-23111 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #25/ja).</p>
<i>Related Building Permits/Business Licenses</i>	
NA	
<i>Pre-Application Meeting</i>	
05/31/07	A Pre-Application meeting was held where Planning staff advised the applicant of Town Center Development Standards and Title 19.08 Commercial Development standards, landscape and parking requirements, and residential adjacency requirements.

<i>Neighborhood Meeting</i>	
07/31/07	<p>A Neighborhood Meeting was held and was attended by eight members of the public, two city staff representatives from Planning and Development and Council Ward 6, and two representatives of the applicant. Community members voiced the following concerns:</p> <ul style="list-style-type: none"> • Hours of operation • Delivery schedule • Project lighting, landscaping, building height, and traffic circulation • Building setback from the residential property line • Signage • Building materials • Fencing • Liquor sales • Requested Variances and Waivers • Number of employees
<i>Field Check</i>	
07/16/07	A site visit was conducted and the project location is a partially developed lot located adjacent to existing commercial and residential development with access from El Capitan Way.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.21 acres
Net Acres	1.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Partially developed with asphalt driveway and Commercial Retail Building	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
North	Single-family Residential	R-CL (Single Family Residential Compact Lot)	PCD (Planned Community Development)
South	Vacant land	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
East	Existing Commercial Building	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)

West	Vacant land	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

The following Service Commercial - Town Center Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Min. Lot Width	NA	NA	NA
Min. Setbacks			
• Front	15 feet	135 feet	Y
• Side	10 feet	37.5 feet	Y
• Corner	NA	NA	NA
• Rear	20 feet	20 feet	Y
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	NA	NA	NA
Max. Building Height	NA	NA	NA
Trash Enclosure	50 feet	120 feet	Y
Mech. Equipment	Screened	Screened	Y

The following Title 19.08 Residential Adjacency Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	87 feet	50 feet	N*
Adjacent development matching setback	28	50 feet	Y
Trash Enclosure	50 feet	90 feet	Y

* A companion Variance (VAR-23108) shall be considered with this Site Development review.

The following Town Center Landscape Development Standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 tree for every 6 Spaces	11 Trees	17 Trees	Y
Buffer: Min. Trees	1 Tree/30 Linear Feet along public Right-of-Way	12 Trees	12 Trees	Y
	1 Tree/20 Linear Feet along interior lot lines	15 trees south/east P.L.	10 trees	N*
		22 trees north P.L.	22 trees	Y
TOTAL		60 trees	61 trees	Y
Min. Zone Width	15 Feet along Right-of-Way		15 feet	Y
	8 feet along interior lot lines		0 feet	N*
Wall Height	8 Feet		8 Feet	Y

*A Waiver of perimeter landscape standards along the east property line is requested.

Pursuant to the Town Center Development Standards Manual the following streetscape design standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Amenity zone	3 feet	3 feet	Y
Street Trees	30 feet on-center	30 feet on-center	Y
Sidewalk	5 feet	5 feet	Y

Pursuant to Title 19.04 parking requirements for General Retail use apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail less than 3,500 square feet	14,028	1/175	80	4	83	4	Y
SubTotal			80		83		
TOTAL			80		83		Y
Loading Spaces			2		4		Y
Percent Deviation					NA		

*A Variance (VAR-23108) to deviate from Title 19.04 and Title 19.10 parking standards shall be considered concurrently with this request.

Waivers		
Request	Requirement	Staff Recommendation
Zero foot Interior landscape buffer along east property line	8 feet	Denial

ANALYSIS

- **General Plan and Zoning**

The proposed project is located within the SC-TC (Service Commercial Town Center) Special Land Use Designation and is zoned as T-C (Town Center) consistent with the Town Center Development Standards Manual (TCDSM). The proposed General Retail establishment is a use permitted by right per the TCDSM Permitted Uses – Table 1.

The project is subject to the TCDSM streetscape standards for Town Center Arterials, Landscape standards of Title 19.12, residential adjacency standards of Title 19.08, and parking requirements of Title 19.04 and 19.10. The project location is surrounded by existing and future commercial development to the east and south, and single family residences to the north. The project parcel is sited near the corner of the El Capitan Way and Durango Drive and is part of the Durango Square two lot commercial subdivision (TMP-3272).

- **Site Plan**

The project site plan depicts a 14,028 square foot one-story commercial structure with a loading dock and associated hardscape and landscape improvements. The site plan includes accessible paths to the public right-of-way and eight foot block walls along the residential property line. Proposed use of the structure will be neighborhood grocery store that will provide accessory package liquor off-sale operations subject to approval of a Special Use Permit (SUP-23111).

- **Parking**

Project parking is subject to the requirements of Title 19.04 for a General Commercial Use less than 3,500 square feet which requires one space for every 175 square feet of gross floor area. A total of 80 spaces including four Americans with Disabilities Act (ADA) accessible spaces are required. As designed the site development will provide a total of 70 spaces which will result in a 13 percent parking deficiency. A companion Variance (VAR-23108) request shall be considered concurrently with this proposal.

- **Landscaping**

The project requires conformance to Title 19.12 landscape standards for perimeter landscaping and Title 19.10 for parking lot landscaping. Perimeter buffers are provided along the north, south and a portion of the east property line. A Waiver is requested for a zero foot landscape buffer along the east property line to allow vehicular access between the adjacent developed commercial parcel and driveway access from El Capitan Way.

The TCDSM contains on-site and off-site landscape improvement requirements and streetscape standards based on road classification. The landscape plans show a 15 foot landscape buffer along the public right-of-way (El Capitan Way) and is designated as Town Center Arterial which requires a 5 foot sidewalk and 3 foot amenity zone with canopy trees spaced every 30 feet on center. The project adequately addresses the streetscape requirements and on-site parking lot landscape standards per Title 19.10 and the TCDSM.

- **Elevations**

Project elevations includes a stucco exterior finish utilizing earth tone colors, stone, glazed windows, and aluminum and steel accents.

- **Residential Adjacency Standards**

The project is subject to the Residential Adjacency Standards (RAS) of Title 19.08 as a non-residential use is proposed next to existing single family residential property. The elevation of the project site rises between four and six feet above the pad elevations of five developed single family residential lots located directly north of the project site. The proposed building height will be a maximum of 29 feet and setback 50 feet from the north property line whereas the RAS 3:1 Proximity Slope and Building Setback Standard requires an 87 foot setback from the residential property line. An eight foot tall block wall is also proposed along the north property line. A Variance (VAR-23109) shall be considered concurrently with this application requesting a 50 foot setback from the north property line.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

Although the project could complement neighboring commercial development east and south of the project site, as designed the project is not compatible with adjacent single family residential development. The project is subject to Title 19.08 Residential Adjacency Standards (RAS) and the Proximity Slope and Building Setback regulations. The 29 foot tall structure will be situated on a pad elevated as much as seven feet above the detached residences to the north and the north building elevation will be within 50 feet of the residential property line. Project bulk and scale combined with non-conformance with the building setback requirements of the RAS is considered incompatible with the adjacent single family community and inconsistent with the zoning ordinance.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The project is an allowable use with the Town Center Development Standards Manual and proposes implementation of the required design standards but will be inconsistent with the RAS of Title 19.08 and therefore the intent of the General Plan.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Driveway access to the site will be provided along El Capitan Way and will not adversely affect road operations.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Building materials will be subject to review by the Building and Safety section of Development Services. Proposed on and off site landscape and streetscape will conform with the standards of the Town Center Development Standards Manual (TCDSM) and will utilize ornamental vegetation appropriate for the desert environment.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The project has a contemporary architectural design that will complement adjacent commercial development however views from existing low lying single family residential development north of the project site could be adversely affected by the north building elevation. The building setback and location of the north facing building walls do not conform with the required 3:1 Proximity Slope and Building Setback of the Title 19.08 RAS. The project will result in residential views of a 29 foot tall building that does not feature any architectural elements to offset building bulk and scale.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The project will be subject to regular inspection during all phases of development and operations of the proposed commercial use.

PLANNING COMMISSION ACTION

New plans were considered by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 716 by City Clerk

APPROVALS 2

PROTESTS 13